

OGC HAS REVIEWED.

10 May 1955

MEMORANDUM FOR: Travel Section/Finance Division

SUBJECT : Transportation - Household Effects
Reclaim Voucher for [REDACTED]

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25X1A9a 1. Your memorandum of 19 April 1955 requested the opinion of this Office as to whether [REDACTED] reclaim for the difference between the actual cost of the shipment of his household effects and reimbursement at the contracted rate may be allowed. [REDACTED] shipped 2,675 pounds but paid the rate for 5,000 pounds in order to get "expedite service". He stated that such service was essential since he could not live in an empty house for an indefinite period and in addition, he claims that any other type of service would have resulted in a billing for storage for a maximum of 60 days.

25X1A9a 2. Section 12 of Executive Order 9805, as amended by Executive Order 10507, provides that:

"In lieu of the payment of actual expenses of transportation, packing, crating, drayage and unpacking of household goods and personal effects in the case of transfers between points within the continental United States, reimbursement shall be made to the employee on a contracted basis . . ."

Numerous opinions of the Comptroller General have held that actual expenses are not a factor to be considered in reimbursing employees for the shipment of household effects between permanent duty stations within the continental United States. In 27 Comp. Gen. 236 it was held that, "under the law and regulations . . . the actual expenses incurred by an employee in shipping his household effects, upon a permanent transfer of station within the continental United States, no longer is a factor - reimbursement, instead, being authorized upon a contracted basis. It now is the responsibility of the employee to select whatever means of shipment best suits his purposes, and the Government will pay the same sum, irrespective of the method the employee may select. That sum, by the specific terms of Executive Order 9805, is to be determined from the tables prescribed therein, and this Office may not enlarge, by construction, the maximum benefits therein prescribed based upon the weight of a shipment of a given amount of goods for a given distance."

25X1A9a 3. The fact that [REDACTED] considered expedite service essential in order that he would not be inconvenienced by being without furniture for an indefinite period and that use of such service avoided additional cost

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to the Government for storage cannot justify reimbursement on a basis which is contrary to law. [REDACTED] which provides for expenditures not specifically provided for in Agency regulations applies only to matters arising out of unusual functions of this Agency.

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In this case [REDACTED] problem was the same as might be faced by any Government employee and cannot be said to have arisen out of the peculiar functions of the Agency. His election of expedite service was a personal decision and the fact that if he had elected to use regular service it would have resulted in additional cost to the Government for storage, possibly equalling or exceeding his reclaim of \$46.40, does not justify payment of an amount in excess of the estimated rate set by law.

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4. It is the opinion of this Office that there is no legal basis for the payment of [REDACTED] reclaim in the amount of \$46.40. The documents pertaining to [REDACTED] reclaim are returned herewith.

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[REDACTED]
Office of General Counsel

OGC:JDM:ss

Distribution

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Subject

Signer

Chrono

SECRET